

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Rajant Corporation

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File No. EB-07-SE-302

Acct. No. 200832100043

FRN # : 0016765612

ORDER

Adopted: May 28, 2008

Released: May 30, 2008

By the Chief, Enforcement Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Enforcement Bureau and Rajant Corporation ("Rajant"). The Consent Decree terminates an investigation initiated by the Enforcement Bureau into whether certain wireless broadband network devices marketed in the United States by Rajant comply with the requirements of Section 302(b) of the Communications Act of 1934, as amended, ("Act")¹ and Parts 2 and 15 of the Commission's Rules ("Rules").²

2. The Enforcement Bureau and Rajant have negotiated the terms of a Consent Decree that would resolve this matter and terminate the investigation. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. In the absence of new material evidence relating to this matter, we conclude that no substantial or material questions of fact exist with respect to this matter as to whether Rajant possesses the basic qualifications, including those related to character, to hold or obtain any FCC license or authorization.

4. After reviewing the terms of the Consent Decree, we find that the public interest would be served by adopting the Consent Decree and terminating the investigation.

5. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Act,³ and the authority delegated by section 0.111 and 0.311 of the Commission's Rules,⁴ that the attached Consent Decree IS ADOPTED.

¹ 47 U.S.C. § 302a(b).

² 47 C.F.R. § 2.1 *et seq.* and § 15.101 *et seq.*

³ 47 U.S.C. § 154(i).

⁴ 47 C.F.R. § 0.111, 0.311.

6. IT IS FURTHER ORDERED that the Enforcement Bureau's investigation IS TERMINATED.

7. IT IS FURTHER ORDERED that Rajant shall make its voluntary contribution to the United States Treasury, as specified in the Consent Decree, by mailing a check or similar instrument payable to the order of the Federal Communications Commission, to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code).

8. IT IS FURTHER ORDERED that a copy of the Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to Patricia J. Paoletta, Harris, Wiltshire & Grannis, LLP, 1200 18th St., N.W., Washington, D.C. 20036.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Chief, Enforcement Bureau

CONSENT DECREE

The Enforcement Bureau (“Bureau”) of the Federal Communications Commission (“FCC” or “Commission”) and Rajant Corporation (“Rajant”) hereby enter into this Consent Decree for the purpose of terminating the Bureau’s investigation into possible noncompliance with Section 302(b) of the Communications Act of 1934, as amended (“Act”),¹ and Parts 2 and 15 of the Commission’s Rules (“Rules”).²

I. DEFINITIONS

For purposes of this Consent Decree, the following definitions shall apply:

- a. “Act” means the Communications Act of 1934, as amended, 47 U.S.C. §§ 151 *et seq.*
- b. “Adopting Order” means an Order of the Bureau adopting the terms and conditions of this Consent Decree.
- c. “Bureau” means the Enforcement Bureau of the Federal Communications Commission.
- d. “Commission” and “FCC” mean the Federal Communications Commission.
- e. “Rajant” means Rajant Corporation, its subsidiaries, affiliates and any successors or assigns.
- f. “Effective Date” means the date on which the Bureau releases the Adopting Order.
- g. “Investigation” means the investigation commenced by Rajant’s disclosure to the Bureau in File No. EB-07-SE-302 of issues regarding Rajant’s compliance with Section 302(b) of the Act and Parts 2 and 15 of the Commission’s Rules.
- h. “Parties” means Rajant and the Bureau.
- i. “Rules” means the Commission’s rules found in Title 47 of the Code of Federal Regulations.

II. BACKGROUND

1. Under Section 302(b) of the Act and Parts 2 and 15 of the Rules, certain wireless broadband network devices must be authorized in accordance with the Commission’s Rules and comply with all applicable technical standards and labeling requirements prior to importation or marketing in the United States. In July and August 2007, Rajant voluntarily disclosed to the Office of Engineering and Technology and Bureau staff that it had recently discovered issues regarding Rajant’s compliance with Section 302(b) of the Act and Parts 2 and 15 with respect to some of its wireless broadband network devices. On August 23, 2007, Rajant met with Bureau staff and provided additional information regarding Rajant’s compliance with Section 302(b) of the Act and Parts 2 and 15 of the Rules.

2. On September 4, 2007, the Bureau issued a Letter of Inquiry (“LOI”) to Rajant in File No. EB-07-SE-302 to initiate an investigation into whether certain Rajant wireless broadband network

¹ 47 U.S.C. § 302a(b).

² 47 C.F.R. § 2.1 *et seq.* and § 15.101 *et seq.*

devices were in compliance with Section 302(b) of the Act and Parts 2 and 15 of the Commission's Rules.³ On October 4, 2007, Rajant sent its response to the Bureau.⁴ Rajant subsequently sought an additional meeting to update the Bureau on the status of its certifications. On November 15, 2007, the Bureau met with Rajant to discuss the issues raised in the LOI.

III. TERMS OF AGREEMENT

3. The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Bureau by incorporation of such provisions by reference in the Adopting Order.

4. The Parties agree that this Consent Decree does not constitute either an adjudication on the merits nor a factual or legal finding or determination regarding any compliance or noncompliance by Rajant with the requirements of the Act or the Commission's Rules and orders. The Parties further agree that this Consent Decree is for settlement purposes only and that, by agreeing to this Consent Decree, Rajant does not admit or deny liability for violating any statute, regulation, or administrative rule in connection with matters that are the subject of this Consent Decree.

5. The Parties agree that this Consent Decree shall become binding on the Parties on the Effective Date. Upon release, the Adopting Order and this Consent Decree shall have the same force and effect as any other final order of the Commission and any violation of the terms or conditions of this Consent Decree shall constitute a violation of a Commission order.

6. The Parties acknowledge and agree that this Consent Decree shall constitute a final and binding settlement between Rajant and the Bureau regarding possible violations of the Act and the Rules with respect to the importation and marketing of wireless broadband network devices by Rajant prior to the Effective Date of this Consent Decree.

7. In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of scarce public resources, the Bureau agrees to terminate its Investigation into whether Rajant may have violated the Act or the Rules with respect to Rajant's wireless broadband network devices prior to the Effective Date of this Consent Decree.

8. In consideration for the termination by the Bureau of the Investigation and in accordance with the terms of this Consent Decree, Rajant agrees to the terms set forth herein.

9. Rajant acknowledges that the Bureau has jurisdiction over the matters contained in this Consent Decree and the authority to enter into and adopt this Consent Decree.

10. Rajant has implemented a Federal Communications Commission Regulatory Compliance Plan ("FCC Compliance Plan") related to Rajant's future compliance with the Act, the Commission's Rules, and the Commission's orders. Rajant's FCC Compliance Plan includes, at a minimum, the following components:

- a. FCC Compliance Procedures. Rajant shall develop and update as necessary appropriate FCC Compliance Procedures. Relevant Rajant personnel shall be trained on the FCC Compliance Procedures and shall be required to follow them. The FCC Compliance Procedures will, among other things, address the equipment authorization requirements of the Act and the Commission's Rules applicable to the wireless broadband network devices

³ Letter from Kathryn Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau to Robert Schena, Chief Executive Officer, Rajant Corporation (September 4, 2007).

⁴ Letter from Patricia J. Paoletta, Esq., Counsel for Rajant Corporation, to Kathryn Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau (October 4, 2007).

and accessories imported, marketed and sold by Rajant in the United States, as well as the Commission's Rules regarding labeling and user manual statements for such devices.

- b. Compliance Officer. Rajant shall designate an FCC Compliance Officer ("Compliance Officer") who will administer the FCC Compliance Plan, supervise Rajant's compliance with the Act, the Commission's Rules and the Consent Decree, and serve as the Rajant point of contact for all Commission-related compliance matters. The Compliance Officer will be assigned responsibility within Rajant for determining whether the manufacture, importation, marketing, sale, labeling and user manual requirements for Rajant's devices are in compliance with the FCC Compliance Procedures.
- c. Interference Complaints. Any interference complaints received by Rajant shall be promptly forwarded to the Compliance Officer for appropriate consideration and action. To the extent Rajant concludes, after appropriate investigation in response to a complaint, that the interference results from the fact that the devices were non-compliant with the Rules, Rajant shall take appropriate remedial action at no charge to the complainant.
- d. Review and Monitoring. Rajant will review the FCC Compliance Plan annually to ensure that it is maintained in a proper manner and continues to address the objectives set forth therein.

11. Rajant agrees that every wireless broadband network device and accessory that is imported or marketed by Rajant in the United States on or after the Effective Date of this Consent Decree shall be compliant with the Act and the Rules before importation and marketing by Rajant.

12. The Bureau agrees that, in the absence of new material evidence, it will not entertain or institute, or use the facts developed in the Investigation or the existence of this Consent Decree to institute, on its own motion, any new proceeding, formal or informal, nor take any action on its own motion, nor recommend to the full Commission any forfeiture, penalty or other sanction, against Rajant for any alleged violation of the Act or the Rules with respect to any Rajant wireless broadband network device that occurred prior to the Effective Date of this Consent Decree. The Bureau also agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date or the existence of this Consent Decree to initiate any proceeding, formal or informal, or take any action against Rajant with respect to Rajant's qualifications to hold any Commission license or authorization. Nothing in this Consent Decree shall prevent the Bureau from instituting, or recommending to the Commission, new investigations or enforcement proceedings against Rajant, in the event of any alleged future misconduct for violation of this Consent Decree or for violation of the Act or the Commission's Rules, consistent with the provisions of this Consent Decree.

13. The Parties agree that each is required to comply with each individual condition of this Consent Decree. Each specific condition is a separate condition of the Consent Decree as approved. To the extent that Rajant fails to satisfy any condition, in the absence of Commission alteration of the condition, it will be deemed noncompliant and may be subject to possible future enforcement action with respect to such failure to satisfy the condition.

14. Rajant agrees to make a voluntary contribution to the United States Treasury in the amount of \$29,400 within thirty (30) calendar days after the Effective Date of the Adopting Order. This voluntary contribution does not constitute a fine or penalty for, or admission of, a violation of any law, the Act, or the Rules. The payment must be made by check or similar instrument, payable to the Order of the Federal Communications Commission. The payment must include the Account Number and FRN Number referenced in the caption to the Adopting Order. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number

021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code).

15. Rajant's decision to enter into this Consent Decree is expressly contingent upon the Bureau's issuance of an Adopting Order that is consistent with this Consent Decree and that adopts the Consent Decree without change, addition, modification or deletion.

16. The Parties waive any and all rights they may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and Adopting Order, provided the Bureau issues an Adopting Order adopting the Consent Decree without change, addition, modification, or deletion.

17. In the event that this Consent Decree is rendered invalid by a court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

18. By this Consent Decree, Rajant neither waives nor alters its right to assert and seek protection from disclosure of any privileged or otherwise confidential and protected documents and information, or to seek appropriate safeguards of confidentiality for any competitively sensitive or proprietary information.

19. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, neither Rajant nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and Rajant and the Commission will waive any statutory right to a trial *de novo* with respect to the issuance of the Adopting Order and shall consent to a judgment incorporating the terms of this Consent Decree.

20. Rajant agrees that any violation of the Adopting Order or of this Consent Decree (upon its adoption) shall constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies attendant to the enforcement of a Commission order.

21. The Parties agree that any provision of this Consent Decree that conflicts with any subsequent rule or order of general applicability or other decision of general applicability adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which Rajant does not consent) will be superseded by such Commission Rule or order.

22. Rajant waives any rights it may have under any provision of the Equal Access to Justice Act, 5 U.S.C. Section 504 and 47 C.F.R. Section 1.1501 et seq., relating to the matters addressed in this Consent Decree.

23. The Parties agree that Rajant's obligations under the Consent Decree shall expire twenty-four (24) months from the Effective Date of the Consent Decree.

24. This Consent Decree cannot be modified without the advance written consent of both Parties.

25. This Consent Decree may be signed in counterparts.

For the Enforcement Bureau:

Kris Anne Monteith
Chief, Enforcement Bureau

Date

For Rajant Corporation:

Robert Schena
Chief Executive Officer

Date